

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SHARON E. JAMES,
Plaintiff,**

v.

**THE KROGER CO.,
Defendant.**

No. 10 - CV - 00261 DRH

ORDER

HERNDON, Chief Judge:

Plaintiff Sharon E. James has filed an Amended Motion to Dismiss seeking the dismissal of her cause of action with prejudice (Doc. 27). The Motion does not state a reason for dismissal. Defendant has already served its Answer (Doc. 3), and the parties have not signed a stipulation of dismissal. Therefore, dismissal as of right is not proper in this matter. **FED. R. CIV. PRO. 41(a)(1)**. Dismissal requires a court order on terms that the court considers proper. **FED. R. CIV. PRO. 41(a)(2)**.

The Court considers it proper to dismiss this action since Plaintiff's Motion is with prejudice. The Court therefore **GRANTS** Plaintiff's Amended Motion to Dismiss (Doc. 27), and the above-styled lawsuit is hereby **DISMISSED WITH PREJUDICE**. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

Signed this 8th day of March, 2011.


David R. Herndon
2011.03.08 09:34:46
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**Chief Judge
United States District Court**